IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 12704 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CITURGIA BIOCHEMICALS LTD. - Petitioner
Versus
RAMESHBHAI CHHANABHAI PATEL - Respondent

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Appearance :
NANAVATI & NANAVATI for Petitioner:
MRS SANGEETA N PAHWA for Respondent:

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 23/08/2007

ORAL JUDGMENT

1. The petitioner has challenged three orders passed by the concerned Labour Court, Surat in Reference (L.C.S.) No. 217 of 1985 where under

the concerned Labour Court has declined the request for amendment of the written statement which was made by the petitioner below exhibit-172 and the request for deciding preliminary issues made vide application at exhibit-174 vide order, both dated 8/2/2006 and the order dated 15/6/2006 where under the application at exhibit-207 for production of document by the workman was partly not permitted.

2. Shri. Shukla, learned counsel appearing for the petitioner submits that the challenge to the order dated 8/2/2006 of the Labour Court made below exhibit-174 is not pressed and therefore now this petition is confined to the challenge to the order dated 8/2/2006 passed in application exhibit-172 and the order dated 15/6/2006 passed in application exhibit 207 where under the prayer for amendment of the written statement is rejected, and production of document from the workman is partly rejected.

3. This Court heard counsel of the parties at length. The prayer in respect of amendment ought to have been allowed as the Labour Court is not correct in its view that the request was mere repetition. Smt. Pahwa learned counsel for the workman/respondent also could not effectively resist the prayer. More over allowing the amendment is not in any way going to prejudice the workman as the workman will

have the right to place on record appropriate reply to the amended portion. In view of this the prayer in respect of amending written statement made vide exhibit-172 deserved to be accepted and is accordingly allowed.

4. This brigs this Court to the examining of prayer in respect of application exhibit-207 which has been partly allowed by the Labour Court vide its order dated 15/6/2006. Looking to the nature of document demanded from the workman, this Court is of the view that the Labour Court order being just and proper same does not called for any interference. The Labour Court has in fact allowed in part the prayer made in application exhibit-207. The prayer in respect of other documents mentioned in exhibit-207 application have rightly been rejected and in any case the petitioner shall have liberty to make appropriate statement in respect of the other documents mentioned in the application at exhibit-207. The order dated 15/6/2006 made below exhibit-207 does not call for any interferences and therefore the petition need not be accepted so far as the prayer in respect order dated 15/6/2006 made below application exhibit-207 is concerned. Accordingly this petition is required to be disposed of with the following observations and directions.

(a) The Labour Court, Surat is hereby directed

to permit the amendment to the written statement as prayed for in the application below exhibit-172. The order of the Labour Court dated 8/2/2006 passed below exhibit-172 is hereby quashed and set aside. The workman concerned shall have an opportunity to make appropriate reply to the amended portion of the written statement in Reference (L.C.S.) No. 217 of 1985.

(b) The order dated 15/6/2006 made below exhibit-207 is hereby confirmed, and the prayer in that regard is hereby rejected. However this rejection would not preclude the petitioner from taking appropriate submission in respect of the documents at appropriate state.

5. With these observations the petition is partly allowed. Rule made absolute to the aforesaid extent. Interim relief, if any granted earlier, shall stand vacated. No cost.

6. Learned counsels for the parties submit that as the Reference is very old Labour Court, Surat be directed to decide the same expeditiously. The request appears to be reasonable. In view of this, Labour Court, Surat is hereby directed to dispose of the Reference as expeditiously as possible.

[S.R. BRAHMBHATT, J]

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